IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2947 OF 1991

Smt.Jayashree Laxminarayan Bhattad .. Petitioner.
V/s.
Maharashtra Housing & Area
Development Authority & Ors. .. Respondents.

Mr.H. Devrajan with Ms.Kavita Shah i/b. Arvindbhai Shah for the petitioner.

Mr.P.G. Karande for respondent No.4.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 1ST JULY, 2005.

P.C. :

Heard Mr.H. Devrajan, the learned counsel for the petitioner and Mr.P.G. Karande, the learned counsel for respondent No.4. Nobody appears for other respondents.

2. It is not necessary to go into the diverse contentions raised in the writ petition and consider the matter on merits in view of the decision taken by the State Government reflected in their letter dated October 21, 1993 (Exhibit 'G') annexed with the affidavit of petitioners Constituted Attorney / L.R. Bhattad dated August 9, 1994.

3. For the sake of convenience, we reproduce

the relevant portion of Exhibit ‘G’ that reads thus :

> "2. As per the directions issued by the Hon’ble High Court, the petitioners as well as the Chief Promoter of the proposed Co-operative Housing Society have been heard on 10th August, 1993 by the Secretary, Housing and Special Assistance Department. Similarly the written statements are also taken from them and they are on the record of concerned Government file.
>
> After the said hearing and scrutiny of all written records submitted by the parties it has been decided by the Government that in accordance with the present policy of Government ‘No objection certificate’ be given to the landlord for redevelopment of the property by using 2.00 F.S.I. on the condition that the landlord should compulsorily rehouse all the bonafide tenants in the reconstructed building. The landlord should also be instructed by specific condition that he should complete the work of reconstruction within a stipulated period which will be fixed by the Bombay Repair and Reconstruction Board."

4. Whatever be the contentions raised in the writ petition by the petitioner, the matter has been considered by the State Government pursuant to the order of this Court and after hearing the parties, the State Government as per its policy ordered issuance of No Objection Certificate to the present petitioner for redevelopment of the property by using 2.00 F.S.I. subject to the two conditions (1) that the petitioner should compulsorily rehouse all the bonafide tenants in the reconstructed building and (2) the present petitioner should complete the work of reconstruction within the stipulated period that

may be fixed by the Bombay Repair and Reconstruction Board.

5. In the light of the aforesaid decision, the grievance of the petitioner is taken care of and it is for this reason, we observed in the earlier part of the order that it is not necessary to go into the diverse aspects raised in the writ petition.

6. In the light of the decision of the State Government that we have noticed above, the petitioner may take up the matter with the Bombay Repair and Reconstruction Board by making appropriate application, if necessary, under the provisions of the Maharashtra Housing Area Developmet Act, 1976 or any other provision.

7. If the petitioner is aggrieved by any action or inaction or any order or direction of the Bombay Repair and Reconstruction Board, the petitioner is always free to pursue the legal remedy available in law.

8. The writ petition is disposed of in above terms. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)